

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
MISSOULA DIVISION

BRANDON MEYERS,

Plaintiff,

v.

TARGET CORPORATION and  
JOHN DOES 1–10,

Defendants.

CV 25-53-M-TJC

**ORDER**

Plaintiff has filed a motion for leave to file an amended complaint. (Doc. 10.)

Pursuant to Rule 15 of the Federal Rules of Civil Procedure, “[a] party may amend its pleading once as a matter of course no later than . . . 21 days after service of a motion under Rule 12(b) . . . .” Fed. R. Civ. P. 15(a)(1)(B). A motion to amend filed while the plaintiff is entitled to an amendment as a matter of course is an “unnecessary request.” *Sparling v. Hoffman Constr. Co.*, 864 F.2d 635, 638 (9th Cir. 1988).

The 21-day period prescribed in Rule 15 has now passed. (See Doc. 6.) Nevertheless, because “Plaintiff filed the Motion to Amend before” the expiration of that deadline, “Plaintiff [still] has the right to amend his Complaint as a matter

of course pursuant to Rule 15(a)(1)(B).” *Daniels v. Wayman*, 2019 WL 7185525, at \*1 (W.D. Wash. Dec. 26, 2019) (citing *Trudeau v. Direct Marketing Concepts, Inc.*, 90 Fed. App’x 486 (9th Cir. 2003)).

Accordingly, IT IS ORDERED:

1. Plaintiff’s Motion for Leave to File First Amended Complaint (Doc. 10) is GRANTED. Plaintiff shall promptly file the Amended Complaint in accordance with Local Rule 15.1.

2. Defendant Target Corporation’s Motion To Dismiss (Doc. 6) is DENIED as moot.

DATED this 6th day of May, 2025.

  
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TIMOTHY J. CAVAN  
United States Magistrate Judge